

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 RONALD J. ALLISON,

Case No. 2:20-cv-01707-GMN-NJK

10 Plaintiff,

11 v.

12 CLARK COUNTY DETENTION CENTER
13 MEDICAL PSYCHIATRIC DEPT, et. al.,

14 Defendants.

15 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. §
16 1983. On April 12, 2021, this Court issued an order directing Plaintiff to file his updated
17 address with this Court within thirty (30) days. (ECF No. 6.) The thirty-day period has
18 now expired, and Plaintiff has not filed his updated address or otherwise responded to
19 the Court's order.

20 District courts have the inherent power to control their dockets and “[i]n the
21 exercise of that power, they may impose sanctions including, where appropriate . . .
22 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
23 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure
24 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
25 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance
26 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal
27 for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
28 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*
2 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey
5 a court order, or failure to comply with local rules, the court must consider several factors:
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in
12 expeditiously resolving this litigation and the Court's interest in managing the docket,
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs
14 in favor of dismissal, since a presumption of injury arises from the occurrence of
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy
17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
19 the court's order will result in dismissal satisfies the "consideration of alternatives"
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779
21 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
22 Court within thirty days expressly warned Plaintiff that, if he failed to timely comply with
23 the order, his case would be subject to dismissal. (ECF No. 6.) Thus, Plaintiff had
24 adequate warning that dismissal would result from his noncompliance with the Court's
25 order to file his updated address within thirty (30) days.

26 It is therefore ordered that this action is dismissed without prejudice based on
27 Plaintiff's failure to file an updated address in compliance with this Court's April 12, 2021
28 order. If Plaintiff wishes to pursue any of his claims, he must file a complaint in a new
action.

1 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 4)
2 is denied as moot.

3 It is further ordered that the Clerk of Court shall enter judgment accordingly and
4 close this case. **No other documents shall be filed in this closed case.**

5
6 DATED THIS 17 day of May 2021.

7
8 
UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28